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Message Text

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ORIGIN EB-11

INFO OCT-01 EA-11 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 /046 R

DRAFTED BY EB/AN:MHSTYLES:VLV
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EB/AN - MR. COBB
CAB - MR. HORNEMAN
EA/ROK - MR. NEWSOME
---------- 005880
P 172137Z JAN 74
FM SECSTATE WASHDC
TO AMEMBASSY SEOUL PRIORITY

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E.O. 11652: N/A
TAGS: ETRN, KS
SUBJECT: CIVAIR - FLYING TIGER SCHEDULE FILING
REF: SEOUL 366

1. IT IS NOT CLEAR TO US WHETHER KCAB IS ASKING FOR USG VIEW ON KOREAN POSITION OR FOR USG ASSURANCES THAT FTL WILL NOT IN FACT BOARD ANY CARGO BOUND FOR SEOUL UNTIL AFTER CHANGE OF FLIGHT NUMBER IN TAIPEI. WE WILL ACCORDINGLY ADDRESS BOTH POINTS.

2. USG DOES NOT SHARE THE VIEW THAT THE CORRECT INTERPRETATION OF BILATERAL AGREEMENT IS THAT FTL MAY NOT BOARD CARGO BOUND FOR SEOUL UNTIL AFTER CHANGE OF FLIGHT NUMBER IN TAIPEI. U.S. HOLDS TRAFFIC RIGHTS UNDER BILATERAL BETWEEN U.S. AND SEOUL, BETWEEN POINTS IN JAPAN AND SEOUL, AND BETWEEN TAIPEI AND SEOUL. FACT THAT SOME TRAFFIC BETWEEN U.S. AND SEOUL OR BETWEEN JAPAN AND SEOUL MAY BE ROUTED (WHETHER WHOLLY ON FTL OR ONLY PARTIALLY ON FTL) VIA TAIPEI IS IRRELEVANT. USG DOES AGREE THAT FLIGHTS MUST BE HELD OUT TO PUBLIC IN A MANNER WHICH CORRESPONDS TO
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ROUTE DESCRIPTION. IN THIS CASE, THIS IS ACCOMPLISHED BY HAVING FLIGHT 42 ORIGINATE IN TAIPEI. IN SIMILAR CIRCUM-STANCES, USG WOULD CERTAINLY ALLOW KAL TO ROUTE TRAFFIC

ANY WAY IT SAW FIT.

3. USG CANNOT ITSELF GIVE ANY ASSURANCES ON QUESTION WHETHER OR NOT FTL WILL IN FACT BOARD ANY TRAFFIC BOUND FOR SEOUL UNTIL AFTER CHANGE OF FLIGHT NUMBER AT SEOUL. IT IS U.S. UNDERSTANDING, HOWEVER, THAT PURPOSE OF FTL ROUTING IS OPERATIONAL AND NOT INTENDED PRIMARILY TO CARRY U.S.-ORIGIN OR JAPAN-ORIGIN TRAFFIC TO SEOUL VIA TAIPEI. IN FACT, U.S. UNDERSTANDS IT IS NOT EVEN PURPOSE OF ROUTING TO ATTRACT TAIPEI-SEOUL TRAFFIC. FURTHER INFORMATION IN THIS REGARD SHOULD BE SOUGHT BY KCAB DIRECTLY FROM FTL.

4. EMBASSY MAY CONVEY PARAS 2 AND/OR 3 TO KCAB IN WRITING AS APPROPRIATE.

5. FYI. THERE IS QUESTION OF PRINCIPLE INVOLVED HERE ON WHICH DEPARTMENT BELIEVES USG SHOULD NOT CONCEDE. HOWEVER

FTL IS PREPARED TO TRY WORK MATTER OUT WITH KCAB ON PRAG-

MATIC GROUNDS, SUCH AS BY PROVIDING ASSURANCES ON TRAFFIC CARRIAGE, IF THIS WILL DO THE TRICK. DEPARTMENT HAS NO OBJECTION FTL DOING THIS, BUT IT SHOULD BE DONE DIRECTLY BETWEEN FTL AND KCAB. EMBASSY SHOULD THEREFORE KEEP IN CLOSE TOUCH WITH TRACE ON THIS MATTER. END FYI. RUSH

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